



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456

November 19, 2002



**CERTIFIED MAIL
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RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 02-49**

Concord Lincoln-Mercury
158 Manchester Street
Concord, New Hampshire 03301

Attn: Mr. Arthur Campbell, President

**Re: Concord Lincoln-Mercury
Concord, New Hampshire
EPA ID # NHD982750549**

Dear Mr. Campbell:

On September 5, 2002, the Department of Environmental Services (DES) conducted an inspection of Concord Lincoln-Mercury. The purpose of the inspection was to determine Concord Lincoln-Mercury's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the waste lamps generated at Concord Lincoln-Mercury. DES inspectors also confirmed that Concord Lincoln-Mercury disposes of waste lamps in the on-site dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Concord Lincoln-Mercury test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. Analysis should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that a waste determination may also be accomplished by Concord Lincoln-Mercury using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Concord Lincoln-Mercury may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and a DES "Fluorescent Lamp and Ballast Recycling Facility" list to aid you with the determination.

Concord Lincoln-Mercury will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

2. Env-Wm 504.02(d) - Generator Notification

At the time of the inspection, Concord Lincoln-Mercury had generated sufficient volumes of hazardous waste to meet the criteria for designation as a Full Quantity Generator (FQG) four (4) times during 2000, five (5) times during 2001, and three (3) times during 2002, although Concord Lincoln-Mercury had notified as a Small Quantity Generator (SQG).

Env-Wm 504.02(d) requires that a generator shall notify DES in writing of any changes to the information required in Env-Wm 504.02(b), including generator status, within 30 days of the effective date of the change. Env-Wm 503.01(a) states that "a small quantity generator shall be any generator who, in each and every calendar month, generates less than 100 kilograms or 220 pounds of hazardous waste". Env-Wm 503.02 (a) states that "the department shall classify a generator as a full quantity generator if he/she generates equal to or greater than a total of 100 kilograms or 220 pounds of hazardous waste in any single month".

DES requests that Concord Lincoln-Mercury re-notify DES as an FQG of hazardous waste. Enclosed is a Hazardous Waste Activity Notification Form for completion and submittal if a change in generator status is necessary.

Based on our findings during the course of the inspection, Concord Lincoln-Mercury could remain an SQG (i.e., generates less than 100 kilograms of hazardous waste each and every month) if some waste management and reduction practices were implemented at the facility. These include ensuring that no more than 100 kilograms of hazardous waste (i.e., D001 parts washer solvent) are ever accumulated on site at one time, and switching to a non-hazardous (i.e., non-flammable) parts washer solvent in the service center. By remaining an SQG, Concord Lincoln-Mercury can achieve regulatory relief from the FQG requirements listed under Env-Wm 509 and would not be required to develop and maintain a personnel training program (item #3) and contingency plan (item #4). To the extent that Concord Lincoln-Mercury remains an SQG, a statement to that effect will need to be submitted to DES.

3. Env-Wm 509.02(a)(2) – Personnel Training

At the time of inspection, DES confirmed that Concord Lincoln-Mercury did not have a personnel training program and that employees responsible for the management of hazardous waste have not received hazardous waste training appropriate for the duties assigned. Concord Lincoln-Mercury failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for Emergency Coordinators and personnel handling hazardous waste. Documents and records relating to personnel training must be maintained at the facility.

DES requests that Concord Lincoln-Mercury conduct and document hazardous waste training and annual reviews for all Emergency Coordinators and all employees who handle hazardous waste. DES also requests that Concord Lincoln-Mercury maintain a written personnel training program which provides a description of the type and amount of introductory and continuing training that is required for persons filling each hazardous waste-related position. Furthermore, DES requests that Concord Lincoln-Mercury maintain, as part of the program, documents of hazardous waste job titles, job descriptions, and names of employees filling each position (Refer to the enclosed Hazardous Waste Generator RCRA Inspection Checklist). Please submit a copy of this personnel training program to DES. Enclosed please find a suggested outline for personnel training records that may be used as a guide.

4. Env-Wm 509.02(a)(5) – Contingency Plan

At the time of inspection, DES confirmed that Concord Lincoln-Mercury did not have a contingency plan.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Concord Lincoln-Mercury develop a contingency plan that includes the items identified in the enclosed Hazardous Waste Generator RCRA Inspection Checklist. Enclosed please find a suggested outline for a contingency plan which may also be useful as a guide.

5. Env-Wm 510.02(d) - Manifest Copy Distribution

At the time of the inspection, Concord Lincoln-Mercury had not submitted any hazardous waste manifests to DES.

Env-Wm 510.02(d) requires that the generator retain one (1) copy of the manifest with signatures, and forward one (1) copy of the manifest with signatures to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requests that Concord Lincoln-Mercury submit copies of all manifests to DES, and properly retain and distribute manifest copies for future shipments of hazardous waste.

6. Env-Wm 510.03(a) – Manifest Information

At the time of the inspection, DES confirmed that Concord Lincoln-Mercury has used an incorrect EPA identification number on all hazardous waste manifests. Concord Lincoln-Mercury's EPA identification number is NHD982750549.

Env-Wm 510.03(a) requires that the manifest shall contain all of the information required in the Appendix to 40 CFR Part 262, 7-1-99 edition, which includes the generator's U.S. EPA twelve digit identification number.

DES requests that Concord Lincoln-Mercury use the correct EPA identification number on all manifests for future shipments of hazardous waste.

In a September 11, 2002 submittal, Ms. Colleen O'Brien stated that Concord Lincoln-Mercury contacted its contractor, Advanced Liquid Recycling, to correct the EPA identification number on all future manifests. No further action is required.

7. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, one (1) 275-gallon aboveground storage tank (AST) of used oil destined for recycling, was not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Concord Lincoln-Mercury label all containers and tanks of used oil that are destined for recycling with the words "Used Oil for Recycle" at all times during accumulation and storage.

8. Env-Wm 1102.03(c)(1) Universal Waste Management

At the time of the inspection, one (1) 330-gallon AST of universal waste antifreeze was not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers and tanks to be closed, except when universal waste is being added to or removed from the container or tank.

DES requests that Concord Lincoln-Mercury ensure that the universal waste antifreeze AST is closed, except when universal waste is being added to or removed from the AST.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Concord Lincoln-Mercury can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Concord Lincoln-Mercury including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the

Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

 **COPY**

Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., PG, Director, WMD
Gretchen Rule, Administrator, DES Legal Unit
Colleen O'Brien, General Manager, Concord Lincoln-Mercury
Gene Myers, Service Manager, Concord Lincoln-Mercury

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist
DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements..."
DES "Fluorescent Lamp and Ballast Recycling Facility" list
Hazardous Waste Activity Notification Form
Suggested outline for personnel training records
Suggested outline for Contingency Plans